THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16160 of 2006

Dated: 23-08-2006

Between:
P.Bob Richardson Petitioner

And

The Kavali Municipality, Kavali and another Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16160 of 2006

ORDER:

1. This Court ordered notice before admission on 03-08-2006. Sri Nageshwar Reddy taken notice for R.1. The counsel for the petitioner was permitted to take out notice to Respondent No.2 and Sri Venkat Narayana, learned counsel entered appearance on behalf of Respondent No.3.

2. Sri Janardhan Rao representing Sri K.Chidambaram would submit that though there are deviations in the construction made by the second respondent to that of the approved plan despite repeated requests made by the petitioner, the further action is not being proceeded with by the first respondent.

3. On the contrary Sri Venkat Narayana, learned counsel representing the second respondent would submit that in fact, the first respondent-Commissioner, Kavali Municipality had verified the constructions and was satisfied that the constructions are in accordance with sanctioned plan and there are no deviations at all.

4. Sri Nageshwar Reddy, learned standing counsel would submit that if that is the only grievance of the petitioner, the first respondent-Commissioner, Kavali Municipality may have to issue notice to the petitioner and also the second respondent, verify the matter and pass appropriate orders in relation thereto. Several facts had been narrated by the writ petitioner in Paragraphs 2 to 4 of the affidavit filed in support of the writ petition. The main grievance is that after repeated representations and after issuing repeated reminders, having satisfied that the second respondent had been constructing the building in total deviation of the approved plan, the first respondent had issued notice

under Section 217 (1) and (2) of A.P. Municipalities Act, 1965 directing the second respondent to make the alterations as specified in the said notice. It is also stated that though the first respondent had issued the said notice on 28-6-2006 no further steps whatsoever had been taken and the second respondent is proceeding with the illegal construction. In substance this appears to be the main grievance of the petitioner. Specific stand taken by the second respondent is that in fact, the Commissioner, Kavali Municipality - the first respondent visited the constructions, verified the same and was satisfied with the constructions are being made in accordance with the approved plan. In the light of the rival contentions and the respective stands taken by the petitioner and also the second respondent, this court is of the considered opinion that the writ petition be disposed of with the following direction.

5. The first respondent to put the petitioner and the second respondent on notice, consider all the facts and circumstances inclusive of the constructions and the approved plan and pass appropriate orders in relation thereto within a period of eight weeks from the date of receipt of the order.

6. The writ petition is disposed of. No order as to costs.

_____

23-08-2006

Stp